

IC 20-9.1-2

Chapter 2. Transportation Contracts

IC 20-9.1-2-1

Power to provide transportation

Sec. 1. Power to Provide Transportation. The governing body of each and every school corporation may provide transportation for school children to and from school.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-2-2

Requirement of transportation provided

Sec. 2. Requirement of Transportation Provided. When a school corporation provides transportation for school children, the governing body of the school corporation is responsible for obtaining the necessary number of school buses and school bus drivers.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-2-3

Employment contracts

Sec. 3. Employment Contracts. If a school corporation owns in its entirety the school bus equipment, the school corporation may employ school bus drivers in the same manner as other non-instructional employees are employed, on a school year basis; however, each employment contract shall be in writing. School corporations hiring employees under this section shall purchase and carry public liability and property damage insurance covering the operation of school bus equipment in compliance with IC 9-25. The provisions of sections 4 through 28 of this chapter shall not apply to the employment of school bus drivers who are hired under this section.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by P.L.1-2002, SEC.86.

IC 20-9.1-2-4

Driver furnishing body or chassis of school bus; entry into contract; benefits package

Sec. 4. (a) When any school bus driver is required to furnish either the school bus body or the school bus chassis or both the body and the chassis, the governing body of the school corporation shall enter into a written transportation contract with the school bus driver.

(b) The transportation contract may include a provision enabling the school bus driver to be eligible for the life and health insurance benefits (and other fringe benefits) afforded to other school personnel.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.3.) As amended by P.L.135-1988, SEC.13.

IC 20-9.1-2-4.1

Fleet contracts; benefits package

Sec. 4.1. (a) When a fleet contractor is required to provide two (2) or more school buses and school bus drivers, the governing body of the school corporation shall enter into a written fleet contract with the fleet contractor.

(b) The fleet contract may include a provision enabling the school bus drivers to be eligible for the life and health insurance benefits (and other fringe benefits) afforded to other school personnel.

(Formerly: Acts 1975, P.L.236, SEC.4.) As amended by P.L.135-1988, SEC.14.

IC 20-9.1-2-4.2

Transportation or fleet contracts; negotiations

Sec. 4.2. Transportation or fleet contracts may either be negotiated and let after receiving bids on the basis of specifications, as provided for in section 7 of this chapter, or may be negotiated on the basis of proposals by any bidder in which the bidder suggests additional or altered specifications. All school corporations negotiating and executing transportation contracts shall comply with the provisions of section 4 and sections 6 through 13 of this chapter. All school corporations negotiating and executing fleet contracts shall comply with sections 5 through 13 of this chapter.

(Formerly: Acts 1975, P.L.236, SEC.5.)

IC 20-9.1-2-5

Transportation or fleet contracts; specifications; adoption

Sec. 5. Transportation and Fleet Contracts, Specifications, Adoption. The governing body of a school corporation shall adopt specifications for transportation and fleet contracts prior to entering into a transportation or fleet contract under section 4 or section 4.1 of this chapter. The specifications shall be prepared and placed on file in the office of the governing body at least fifteen (15) days prior to any advertised date for beginning negotiations or receiving proposals or bids. However, if a school corporation is under the jurisdiction of a county superintendent of schools, the specifications shall be placed on file in the office of the county superintendent. All specifications so prepared and filed shall be public records, and shall be open, during regular office hours, for inspection by the public.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.6.) As amended by P.L.1-1994, SEC.95.

IC 20-9.1-2-6

Transportation or fleet contracts; specifications; contents

Sec. 6. Specifications for contracts shall include the following:

- (1) A description of the route for which the contract is to be let.
- (2) The approximate number of children to be transported on the route.
- (3) The approximate number of miles to be traveled each school day on the route.
- (4) The type of school bus equipment required to be furnished by the school bus driver, or fleet contractor, including the

seating capacity of the equipment required.

(5) The amount of public liability and property damage insurance coverage, if any, required to be furnished by the school bus driver or fleet contractor. When a school corporation owns either the chassis or the body of the school bus equipment, the specifications shall recite the amount and kind of insurance coverage required to be furnished by a bidding school bus driver. In addition to the amount and kind of insurance set forth in the specifications, either the governing body, or the school bus driver or the fleet contractor may, at their own election and at their own expense, carry such additional insurance, including health and accident and medical payments insurance, as they deem necessary.

(6) The amount of surety bond required to be furnished by the school bus driver.

(7) The length of the term for which the contract may be let. However, no township trustee shall enter into a school bus contract which has a termination date later than the thirtieth day of June next following the expiration date of the trustee's term of office.

(8) Any other relevant information necessary to advise prospective bidders of the terms and conditions of the transportation contract or fleet contract.

*(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.7.)
As amended by P.L.25-1995, SEC.69.*

IC 20-9.1-2-7

Transportation or fleet contracts; notice prior to bidding

Sec. 7. Transportation or Fleet Contracts, Notice Prior to Bidding. The governing body shall give notice to the public at least ten (10) days prior to beginning negotiations or receiving proposals or bids for transportation or fleet contracts. Notice shall be given in the manner provided by IC 1971, 5-3-1. The notice shall convey the following information:

(a) That the governing body will negotiate, receive proposals, or receive bids for transportation contracts and fleet contracts on a specified date;

(b) That the governing body will execute contracts for the school bus routes of the school corporation; and

(c) That the specifications for such routes and related information are on file in the office of the governing body or in the office of the county superintendent.

No transportation or fleet contract shall be negotiated until notice has been given as required under this section.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.8.)

IC 20-9.1-2-8

Transportation or fleet contracts; time to be let

Sec. 8. Transportation or Fleet Contracts, Time to Be Let. When a transportation or fleet contract is to be let for more than one (1) full

school year, it shall be let prior to the first day of May next preceding the beginning of the first school year covered by the contract. However, if a contract is let at a later date due to an emergency situation, the contract shall be valid.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.9.)

IC 20-9.1-2-9

Transportation or fleet contracts; award

Sec. 9. Transportation or Fleet Contracts, Award. When a transportation or fleet contract is let pursuant to sections 4 through 8 of this chapter or let after renegotiation pursuant to section 13 of this chapter, it shall be awarded to the lowest responsible bidder subject to the limitations set out in this section and in sections 11 and 12 of this chapter. The governing body may refuse to award the bid to the lowest responsible bidder, if the amount bid is not satisfactory to the school corporation.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.10.)

IC 20-9.1-2-10

Prerequisites for bidders for transportation contracts

Sec. 10. (a) Before a bidder may be awarded a contract, the bidder for a transportation contract must meet the following prerequisites:

- (1) The bidder must meet the physical requirements prescribed in IC 1971, 20-9.1-3-1 as evidenced by a certificate signed by an Indiana physician who has examined the bidder.
- (2) The bidder must have been issued a valid public passenger chauffeur's license or commercial driver's license issued by the bureau of motor vehicles.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1974, P.L.1, SEC.7.) As amended by P.L.155-1997, SEC.4.

IC 20-9.1-2-11

Transportation or fleet contracts; power to reject bids

Sec. 11. Transportation or Fleet Contracts, Power to Reject Bids. A governing body is authorized to reject any or all bids. If no bid is received for a specified route, the governing body may either readvertise for bids or negotiate a contract for the route without further advertising.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.11.)

IC 20-9.1-2-12

Transportation or fleet contracts; alteration of routes

Sec. 12. Transportation or Fleet Contracts, Alteration of Routes. The governing body may alter any school bus route at any time. If the altered route is longer than the route in the original contract, the school bus driver or fleet contractor shall be paid additional compensation for each additional mile or fraction of a mile. The additional compensation shall be based on the average rate per mile in the original contract.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.12.)

As amended by P.L.1-2003, SEC.65.

IC 20-9.1-2-13

Transportation or fleet contracts; change of equipment

Sec. 13. Transportation or Fleet Contracts, Change of Equipment. The governing body may require the school bus driver or fleet contractor to furnish equipment with greater seating capacity at any time. When a school bus driver or fleet contractor is required to furnish different equipment during the term of the contract, the contracting parties may mutually agree to the cancellation of the existing contract, and renegotiate a new contract for the balance of the term of the original contract. Action taken by a governing body under section 12 of this chapter shall not preclude simultaneous exercise of authority under this section.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.13.)

IC 20-9.1-2-13.5

Transportation or fleet contracts; amendment

Sec. 13.5. Notwithstanding any contrary provision in this chapter, the governing body may amend any existing transportation or fleet contract, with the consent of the other party or parties to the contract, to make any adjustments needed due to fluctuations in the cost of fuel which occur during the term of the contract.

As added by Acts 1980, P.L.151, SEC.2.

IC 20-9.1-2-14

Transportation or fleet contracts; highway conditions

Sec. 14. Transportation or Fleet Contracts, Highway Conditions. When highway or road conditions require a school bus driver to drive a greater distance than provided by the contract, additional compensation shall be paid to the driver or fleet contractor. The additional compensation shall be computed as if the governing body had lengthened the route under section 12 of this chapter.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.14.)

IC 20-9.1-2-15

Transportation or fleet contracts; assignment

Sec. 15. Transportation or Fleet Contracts, Assignment. A transportation or fleet contract entered into under this chapter shall not be sold or assigned except by written agreement by both parties to the original contract and by the assignee or purchaser of the contract.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.15.)

IC 20-9.1-2-16

Transportation contracts; substitute drivers; when permitted

Sec. 16. After due notice to the governing body or its authorized agent, a school bus driver may provide a substitute driver for any of the following reasons:

- (a) Illness of the school bus driver.

- (b) Illness or death of a member of the school bus driver's family.
- (c) Compulsory absence of a school bus driver because of jury duty.
- (d) Performance of services and duties related to the Indiana state association of school bus drivers.
- (e) Performance of services and duties required by virtue of service in the Indiana general assembly.
- (f) Attendance at meetings of the Indiana school bus committee.
- (g) Management by a school bus driver of his personal business affairs, subject to the limitation in this section. Absence for management of personal business affairs shall not exceed ten (10) days in any one (1) school year without the approval of the governing body.

*(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.20.)
As amended by P.L.204-1983, SEC.2.*

IC 20-9.1-2-17

Transportation contracts; substitute drivers; limitations

Sec. 17. Transportation Contracts, Substitute Drivers, Limitations. No substitute school bus driver shall be permitted to operate a school bus unless he meets the standards required by IC 1971, 20-9.1-3-1 and has been approved by the governing body or its authorized agent.
(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1974, P.L.1, SEC.8.)

IC 20-9.1-2-18

Transportation contracts; termination; generally

Sec. 18. Transportation Contracts, Termination, Generally. A school bus driver's transportation contract may be terminated for incompetency, physical disability, negligence or failure to faithfully perform his duties under the contract only after the driver has received notice and a hearing. Notice must be in writing and must allow a reasonable period of time prior to the hearing. The school bus driver may appear at the hearing either in person or by counsel.
(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-2-19

Transportation contracts; termination; alcoholic beverages

Sec. 19. Transportation Contracts, Termination, Alcoholic Beverages. A school bus driver shall not consume any alcoholic beverage during school hours or while operating a school bus. A transportation contract may be terminated without hearing upon presentation of reliable evidence that a driver has consumed any alcoholic beverage during school hours, or while operating a school bus or while performing his duties.
(Formerly: Acts 1973, P.L.218, SEC.2.)

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2013.)

IC 20-9.1-2-21

Transportation contracts; physically unfit driver; duty

Sec. 21. Transportation Contract, Physically Unfit Driver, Duty. When a physical examination reveals that a school bus driver is physically unfit to perform his transportation contract, he shall either:

(a) Furnish a substitute driver who is qualified under section 17 of this chapter, or

(b) Assign his transportation contract, if the governing body approves, to a person qualified under this chapter.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-2-22

Transportation contracts; physically unfit driver; termination

Sec. 22. Transportation Contracts, Physically Unfit Drivers, Termination. If a driver is found physically unfit and fails to perform the duty required by section 21 of this chapter, the governing body may terminate his contract after the driver has been given reasonable written notice and an opportunity for a hearing. The driver may appear at the hearing either personally or by counsel.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-2-22.1

Fleet contract; school bus driver provisions

Sec. 22.1. Fleet Contract, School Bus Driver Provisions. Each fleet contract made under section 5 of this chapter shall provide that:

(a) The fleet contractor is responsible for the employment, physical condition, and conduct of every school bus driver employed by the fleet contractor.

(b) The fleet contractor shall submit to the governing body a list of the names, addresses, telephone numbers and route assignments of all regular and substitute school bus drivers employed by the fleet contractor.

(c) All school bus drivers employed by the fleet contractor shall meet the physical, moral, and license standards prescribed in IC 1971, 20-9.1-3.

(d) School bus drivers employed by a fleet contractor shall attend the annual safety meeting for school bus drivers sponsored by the state school bus committee and the Indiana state police in accordance with IC 1971, 20-9.1-3-7.

(e) Failure to employ school bus drivers who meet and maintain the physical, moral, and license standards of IC 1971, 20-9.1-3, or failure to compel attendance of school bus drivers at the annual safety meeting shall constitute a breach of contract and may result in termination of the fleet contract and in forfeiture of the surety bond.

(Formerly: Acts 1975, P.L.236, SEC.16.)

IC 20-9.1-2-23

Transportation or fleet contracts; termination; purchase of equipment

Sec. 23. Transportation or Fleet Contract, Termination, Purchase

of Equipment. When a transportation or fleet contract is cancelled by a governing body under this chapter, the governing body may purchase the school bus equipment owned by the driver or fleet contractor and utilized under the transportation contract. The purchase price is the fair market value of the equipment as determined by agreement of the governing body and the driver.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.17.)

IC 20-9.1-2-24

Transportation or fleet contracts; bond

Sec. 24. Transportation or Fleet Contracts, Bond. All drivers or fleet contractors operating a transportation or fleet contract shall furnish a surety bond conditioned on faithful performance of the contract. The governing body shall specify the amount of bond required.

(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.18.)

IC 20-9.1-2-25

Common carrier contracts; generally

Sec. 25. A governing body may enter into a contract for pupil transportation with any regular route common carrier that operates under the jurisdiction of the department of state revenue.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by P.L.23-1988, SEC.106; P.L.3-1989, SEC.121; P.L.99-1989, SEC.27.

IC 20-9.1-2-26

Common carrier contracts; provisions

Sec. 26. Each common carrier contract made under section 25 of this chapter shall provide the following:

(1) The common carrier is solely responsible for the employment, physical condition and conduct of every school driver employed by the carrier.

(2) The carrier must submit a certificate to the governing body showing that any school bus driver used in performing the contract meets the physical standards required by IC 20-9.1-3-1(g).

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by P.L.1-1993, SEC.183.

IC 20-9.1-2-27

Common carrier contracts; exemption from physical examination

Sec. 27. Common Carrier Contracts, Exemption from Physical Examination. When a school bus driver is employed by a common carrier to assist in performing a common carrier contract made under section 25 of this chapter, he is exempt from mandatory physical examinations required under this article, except to the extent that examination may be necessary for a common carrier to comply with section 26(b) of this chapter.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-2-28**Common carrier contracts; exemptions from requirements**

Sec. 28. Common Carrier Contracts, Exemptions from Requirements. A bus operated under a common carrier contract is not required to be constructed, equipped or painted as specified by this article or by the official rules and regulations of the state school bus committee unless:

(a) It is operated exclusively for the transportation of pupils to and from school, or

(b) It must be operated more than three (3) miles outside the corporation limit of any city or town in order to perform the contract.
(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-2-29**Private schools exempt**

Sec. 29. Private Schools Exempt. This chapter does not apply to any private school or to any school bus driver contract executed for a private school.

(Formerly: Acts 1973, P.L.218, SEC.2.)